

**REMARKS**

In the Office Action, the Examiner indicated that claims 1-17 and 20 were pending in the application. In accordance with the foregoing, claims 1, 3, 4, 5, 7, 12, 13 and 16 have been amended. Claims 15, 17 and 20 have been cancelled without prejudice or disclaimer, thus claims 1-14 and 16 are pending and under consideration. The Examiner's rejections are traversed below.

**Allowable Subject Matter:**

At page 10 of the Office Action, the Examiner indicates that claim 5 is objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 5 has been rewritten to include the limitations of original claims 1, 3, and 4, thus claim 5 is deemed to be in allowable form.

**The First 35 U.S.C. §102(a) Rejection:**

At page 2 of the Office Action, claims 1, 2, 3, 6, 13, 15, 16, and 20 are rejected under 35 U.S.C. §102(a) as being anticipated by Chinese document 97-113095.7A. Claims 15 and 20 have been cancelled without prejudice or disclaimer, thus the rejection of claims 15 and 20 is moot.

Claim 1 has been amended as set forth above. Chinese document 97-113095.7A does not disclose "diverging the first beam at a predetermined angle, collimating the second beam into a parallel ray, converging the first and second beams to a signal layer of an optical disk, and transmitting the first and second beams as reflected from the signal layer, the first reflected beam being transmitted as a convergent beam and the second reflected beam being transmitted as a parallel beam" and "an optical converter converting the first reflected beam transmitted from the optical system into a parallel beam and passing the second reflected beam without conversion," as recited in claim 1. In the figure of Chinese document 97-113095.7A, both of the laser sources 130, 140 are shown as being divergent after passing through respective elements 134 and 144, which are not identified in the translation. Further, it is unclear on what basis the selective light transmitting plate 150 selectively transmits. However, there is no mention that the selective light transmitting plate 150 converts "the first reflected beam transmitted from the optical system into a parallel beam" and passes "the second reflected beam as the parallel beam," as recited in claim 1.

Claim 2 is deemed to be patentable at least for similar reasons set forth above regarding claim 1.

Regarding claim 3, Chinese document 97-113095.7A fails to disclose "a first collimating lens diverging the first beam at the predetermined angle, the predetermined angle permitting a fracture surface aberration of the first beam to fall below a predetermined value when the first beam generated from the first laser beam source is collected on the signal layer of the optical disk," as recited in claim 1.

Claim 6 is deemed to be patentable at least for similar reasons set forth above regarding claim 1.

Claim 13 is deemed to be patentable at least for similar reasons set forth above regarding claim 1. Further, Chinese document 97-113095.7A fails to disclose "an optical converter converting the first reflected laser beam to a parallel beam and passing the second reflected laser beam without conversion, the optical converter comprising a holographic lens having a pattern converting the first laser beam into parallel rays to cause the size of the optical spots generated by the first and second laser beams to be identical," as recited in claim 13.

Claim 16 is deemed to be patentable at least for similar reasons set forth above regarding claim 13.

**The First 35 U.S.C. §103(a) Rejection:**

At page 2 of the Office Action, claims 1, 2, 3, 6, 13, 15, 16, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Chinese document 97-113095.7A in view of JP 10-134394. Claims 15 and 20 have been cancelled without prejudice or disclaimer, thus the rejections of claims 15 and 20 are moot.

Regarding the Examiner's analysis at page 5, first paragraph of the Office Action, it is unclear what claimed feature of the invention the Examiner asserts to be inherently present in Chinese document 97-113095.7A. Whatever such asserted feature is, the Examiner has not presented any analysis or technical reasoning regarding such inherency. It is the burden of the Examiner to establish an inherent feature by facts and not conjecture. Regarding the JP 10-134394 as applied by the Examiner, it is unclear how the percentages shown in FIGS. 2(a) and 2(b) relate to any feature claimed in any of the rejected claims. It is respectfully requested that the Examiner explain the relevance of FIGS. 2(a) and 2(b) or withdraw the rejection.

In any event, claims 1, 2, 3 and 6 are deemed to be patentable at least for similar

reasons set forth above regarding the 35 U.S.C. §102(a) rejection. Claim 13 is deemed to be patentable at least for similar reasons set forth above regarding the 35 U.S.C. §102(a) Rejection and claim 16 is deemed to be patentable at least for similar reasons set forth above regarding claim 13.

**The Second 35 U.S.C. §102(a) Rejection:**

At page 7 of the Office Action, claims 1, 2, 13, 14 and 20 are rejected under 35 U.S.C. §102(a) as being anticipated by JP 10-134394. Claim 20 has been cancelled without prejudice or disclaimer, thus the rejection of claim 20 is moot.

Claim 1 has been amended as set forth above. JP 10-134394 does not disclose "diverging the first beam at a predetermined angle, collimating the second beam into a parallel ray, converging the first and second beams to a signal layer of an optical disk, and transmitting the first and second beams as reflected from the signal layer, the first reflected beam being transmitted as a convergent beam and the second reflected beam being transmitted as a parallel beam" and "an optical converter converting the first reflected beam transmitted from the optical system into a parallel beam and passing the second reflected beam as the parallel beam," as recited in claim 1. Claim 2 is deemed to be patentable at least for similar reasons set forth above regarding claim 14.

Claim 13 is deemed to be patentable at least for similar reasons set forth above regarding claim 1. Further, JP 10-134394 does not disclose "an optical converter converting the first reflected laser beam to a parallel beam and passing the second reflected laser beam without conversion, the optical converter comprising a holographic lens having a pattern converting the first laser beam into parallel rays to cause the size of the optical spots generated by the first and second laser beams to be identical, as recited in claim 13.

Claim 14 is deemed to be patentable at least for similar reasons set forth above regarding claims 1 and 13.

**The Second 35 U.S.C. §103(a) Rejection:**

At page 8 of the Office Action, claim 4 rejected under 35 U.S.C. §103(a) as being unpatentable over either Chinese document 97-113095.7A and/or JP 10-134394 in view of U.S. Patent 6,084,845 to Mizuno. Claim 4 is deemed to be patentable at least for similar reasons set forth above regarding claims 1 and 3.

**The Third 35 U.S.C. §103(a) Rejection:**

At page 9 of the Office Action, claims 7-11 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over either Chinese document 97-113095.7A and/or JP 10-134394 in view of U.S. Patent 6,181,668 to Kajiyama et al. Claim 17 has been cancelled without prejudice or disclaimer, thus the rejection of claim 17 is moot.

Although Kajiyama et al. disclose a hologram 25 used in an optical pickup operative with different wavelengths, the hologram 25 is applied for diverging one of two different wavelengths of a beam emitted from a dual wavelength laser source (see abstract) and not for "converting the first reflected beam transmitted from the optical system into a parallel beam and passing the second reflected beam without conversion," as recited in claim 1, from which claim 7 depends. That is, claim 7 must be considered as a whole and not considered in a vacuum without regard to the features recited in claim 1. Claims 8-11 are deemed to be patentable at least for similar reasons set forth above regarding claim 7.

**The Fourth 35 U.S.C. §103(a) Rejection:**

At page 9 of the Office Action, claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Chinese document in view of Kajima et al. No document to Kijima is currently of record. The Examiner is respectfully requested to provide an identification of the document to Kijima or withdraw the rejection.

**The Fifth 35 U.S.C. §103(a) Rejection:**

At page 9 of the Office Action, claims 3 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 10-134394 in view of Chinese document 97-113095.7A.

Claim 15 has been cancelled without prejudice or disclaimer, thus the rejection of claim 15 is moot. Claim 3 is deemed to be patentable at least for similar reasons set forth above.

Neither JP 10-134394 nor Chinese document 97-113095.7A nor a combination thereof teach "a first collimating lens diverging the first beam at the predetermined angle, the predetermined angle permitting a fracture surface aberration of the first beam to fall below a predetermined value when the first beam generated from the first laser beam source is collected on the signal layer of the optical disk," as recited in claim 3.

**The Sixth 35 U.S.C. §103(a) Rejection:**

At page 10 of the Office Action, claims 6 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 10-134394 in view of U.S. Patent 4,612,437 to Ohsato. Claims 6 and 16 are deemed to be patentable at least for similar reasons set forth above regarding claims 1 and 13, respectively.

**Conclusion:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

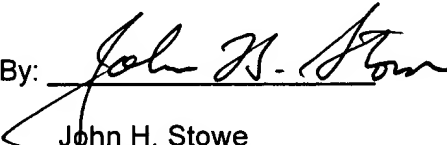
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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